

INDIANA LEGISLATURE.

[Omissions and curtailments of this report for want of space in this column will appear in an appendix to Volume XXII of the Brevier Legislative Reports.]

IN SENATE.

MONDAY, JAN. 19, 1885—10 a. m.

ALIEN REAL ESTATE OWNERS.

Mr. SMITH, of Jennings, bill [S. 2] concerning real estate and the alienation thereof, coming up with a favorable committee report, it was read the second time.

Mr. FOULKE: I move that it be ordered engrossed and passed to the third reading. In regard to that bill, which was introduced by the Senator from Jennings [Mr. Smith], who is absent, I think it is a bill that no two members of the Senate would disagree upon. At present aliens may hold real estate in Indiana, and very large tracts of real estate are being purchased in some counties of this State by persons beyond the sea, who are holding them for speculative purposes. I take it, that it will be conceded that the land of the State belongs to the people of the State, or at least to the people of this country, and that we don't desire to have a repetition here of the same policy which is now existing between England and Ireland, where the land in one belongs to the landlords in the other, and they drain the resources of one for the benefit of a foreign community. It was considered by the committee unanimously that the general provisions of the bill should be adopted and receive the favorable consideration of the Senate.

The bill was ordered engrossed for the third reading.

AFTERNOON SESSION.

Mr. FOULKE offered a preamble and resolution to examine the contracts entered into for the construction of the three new insane asylums, to see if under existing contracts the work on two of these institutions can not be postponed until such a time as the State can complete the same without oppressing the taxpayers of the State.

Mr. MAGEE opposed its adoption.

At the author's suggestion it was not then further considered.

THE STATE'S TREASURER.

The special order for this hour coming up, being the resolution for an investigation into the condition of the State Treasury.

Mr. FOULKE: In the discussion last Wednesday there was a matter brought up by the Senator from Cass [Mr. Magge] in reference to what took place on the introduction of a similar resolution two years ago. This resolution was not introduced as a party measure; it was not introduced to make party capital, but because we had been informed from a source entitled to recognition by this body that the public funds are not safe; that the State moneys are on deposit in the different banks of this city, and loaned out to private individuals, while the statute prescribes the method in which these funds shall be kept, and declared in regard to all loans, any fee or bonus which is paid to the State Treasurer for the use of any State moneys shall belong to the State. I had occasion to refer to the fact that two years ago a similar resolution was introduced, which for some reason failed to pass. The Senator from Cass said it occurred in this way: That the Senator from Henry at that time introduced a resolution for an investigation, and that he proposed to amend it so as to include the retiring Treasurer, but as soon as he found there was to be a Republican investigation the resolution was not presented. I have been unable to find in the Senate Journal the resolution, but the Brevier Reports state what occurred at that time. My own recollection is very distinct that not by a word or vote of mine was [any proposed investigation of any person connected with the State officers suppressed. [Reads from Brevier Reports to substantiate his statement.] The resolution of two years ago was opposed because it came in at the heels of the session; but this one comes in at the commencement of the session. If the Senator considers there was any suppression of an investigation last session, the burden must rest rather upon the Senator from Cass than on me. I voted to suspend the rules that the resolution might be adopted, while the Senator from Cass voted the other way.

It seems to me that this question upon which there should be no shirking on account of party lines. The Senator from Huntington [Hillgass] stated the other day that he would favor the adoption of this resolution at the proper time, and yet he follows me in this session to oppose the resolution indefinitely. I think the position of the Senator is not consistent. It is true at the instance of another Senator he withdrew that motion. If it be true that Governor Porter had neglected his duty, it is not any argument for us to neglect ours? It is our bounden duty that we should shift this responsibility upon the shoulders of anybody else. The law has given us the right and imposed upon us the duty to make it.

Mr. McCULLOUGH: I desire to offer the following amendment to the resolution:

Resolved by the Senate, the House of Representatives concurring, That the Governor Porter's message relating to the State Treasury be referred to a special committee of five from each House, to be appointed by the respective chairmen thereof, to report by bill or otherwise what legislation, if any, is necessary with reference to the State Treasury, and also to report whether an investigation into the affairs of the State Treasury by a legislative committee is at this time probably necessary or proper.

Mr. McCULLOUGH: A proper subject has been said on the law upon the subject of the State Treasury and I think much more good will come to the people of the State by a thorough investigation of the law on the subject than by an examination into how the books of the State Treasurer have been kept. I think it is improper to appoint a committee to make the proposed investigation unless more knowledge comes to this body than comes to it through Governor Porter's message. By a law of 1859 it was made the duty of the State to provide a safe in which the Treasurer could keep the moneys absolutely secure. Confessedly, the State has not done that. The State Treasurer, according to a recent opinion of the Attorney General, is absolutely responsible for every dollar of the State's money that comes into her hands, and he receives, perhaps, \$2,000,000 per year. If burglars take it from him, or if by fire it is destroyed, the Treasurer is bound to return that amount of money. The State has never provided a safe place to keep it, and the Treasurer is compelled to put some place which, in his judgment, would be a secure place in which to keep the money of the State. Sec. 2,614 being a part of the act of 1859, which provides that the Legislature may appoint a committee to investigate—in more direct terms, if possible, requires the Governor of the State to investigate. Now why is it the Governor of the State is not investigated when he says the newspapers of the State have been bothering him about it since 1883 [Reads from page 8 of the Governor's printed message] The statute which empowers him to investigate he regards as not binding upon him as Governor, because that statute has application in a case where the State has provided a safe place for keeping the public moneys, which he has not done confessedly by his own message. Then, under the provision of that statute, the Legis-

lature certainly is excused, for its power is given in the same statute and in the same section. Whether the statute is in force or not is a question of importance. The Governor says, in effect, it is not. That is one reason why I suggest a committee of investigation. If that statute does not apply to the Governor, there may some be question as to whether it applies to the State Treasurer covering money into the State Treasury.

It is in the same act and upon condition that the State furnish a place for the safe keeping of the public moneys that the Treasurer is required to pay back the money he may receive for interest. One other among many reasons why I think there ought to be an investigation is that the State Treasurer has to give a bond for \$150,000, while the Treasurer of the United States is but \$10,000 for the custody of the great deal more money, and yet, for some reason or other, gentlemen want to ascertain if the State Treasurer has not been loaning out money, and hold an inquest over it. This same statute that provides that the State Treasurer shall not loan the State's money provides that his salary shall be but \$3,000 per year. He handles \$2,000,000 of the people's money; he gives a bond that puts in jeopardy his all and probably the all of every friend that goes on his bond, and if fire or a burglar takes the money there is no excuse; the money must be returned. It has been a recognized fact that the State Treasurer must take care of the public's money wherever he best can, and if he receives interest upon it it is to pay him for the risk he assumes. If it be true that the Governor is excused from acting under the present statute, I am in favor of passing a law which will require him to act when it has come to his knowledge that there are irregularities in the conduct of the State Treasurer.

Mr. HILLGASS: I stand upon this resolution as I stood the other day. If there is a necessity for this investigation I am for it. I don't understand that the Senator from Wayne [Mr. Fooulke] desires this to be a party question; but I am sorry to see that it has assumed somewhat a party character. I see a disposition creeping out to make it a partisan. He says I am in favor of the law and against an enforcement of the law. If that statement be true, certainly Governor Porter stands in the same attitude. Here is a law requiring him to make this investigation and yet he does not do so. He bases his reference to the State Treasurer upon newspaper reports. Why did he not make an investigation as the law requires? He failed to do that, and I am justified in saying that when the present State Treasurer came into office in February, 1883, Governor Porter himself visited the State Treasurer, asked him what he would do with the State funds, and he advised the State Treasurer then and there not to withdraw money from the banks of the city of Indianapolis, but to follow the precedent set by his predecessor; and that if he did withdraw it would ruin the business of Indianapolis. In view of the fact of this assault in the message of Governor Porter, it is not surprising that he should have been so cautious in regard to the honesty or integrity of the Treasurer of the State. Therefore, I say I am in favor of the amendment to the resolution. Let this question be investigated to the fullest extent, and there is no necessity for any additional investigation. Let us have it. I would be in favor of going back over a period of years. Let witnesses be examined. Let Governor Porter be summoned as to his advice to the Treasurer of State, and if the law has been violated, has he conspired with the Treasurer, and if not, let him be cleared at the close of his administration. Come in and cast a reflection upon the Treasurer, when he himself was a conniver at a violation of law by reason of his advice to the Treasurer at the inception of this matter. This is a serious matter, and I will support the amendment to the resolution.

Mr. MAY: I have thoroughly investigated this matter so far as alleged irregularities by the State Treasurer are referred to in the Governor's message, and I have made up my mind that the Governor of a commonwealth like the State of Indiana ought not to come to the General Assembly in a message and say that we ought to investigate the most important office in the State without making a specific charge against the officer. What does Governor Porter say about the State Treasurer? He simply says that the Governor has unfairly cast an imputation upon the Treasurer of State by certain language in his message. If so it was wrong. My idea about it is, the best way is to make an investigation into the condition of the Treasurer and the accounts of the Treasury, and to do this investigation, if it can be so done, I would investigate whether the funds of the State are sufficiently secure, and if found that they are not, would adopt such legislation as would make them more secure. If the amendment would make a more thorough investigation than the original resolution, I am for the amendment. I think it is necessary, both for the credit of the State and of the State Treasurer, that an investigation shall be had. If it is not made and made fairly, so it will show that everything is secure, it will be to the credit both of the State and the State Treasurer. The only question is which resolution will give opportunity for the most thorough investigation. I don't believe we ought to act upon ordinary rumors, but having gone thus far we ought to act to favor a full and complete investigation, and to do this the amendment gives more power to the proposed committee than the resolution I am opposed to the amendment and in favor of the resolution.

Mr. WEIR: Inasmuch as considerable time has been consumed, understanding the question to be upon the adoption of the amendment of the Senator from Gibson [Mr. McCullough], I now demand the previous question.

Subsequently this demand was withdrawn.

The amendment was adopted by yeas, 28, nays, 10.

The resolution as amended was also adopted.

EXECUTIVE APPOINTMENT.

A message from the Governor announced his appointment of Thomas A. McQuade, of Clay County, as Mine Inspector, by and with the advice and consent of the Senate.

On the 19th inst. the Committee on Executive Appointments.

JOINT STANDING COMMITTEES.

The Lieutenant Governor announced the following:

On Public Buildings—Peterson, Smith of Jay, Campbell of St. Joseph.

On State Library—Smith of Jennings, May, Duncan of Tipton.

On Canal Fund—Bailey, Hillgass, Moore, On Claims—Sellers, Nell, Macy.

On Revision of the Statutes—Richardson, Duncan of Brown, May, Foulke, Drake, On Woman's Claims—Foulke, Hoover, McIntosh, Adkins.

Mr. Fowler offered a joint resolution, which was adopted for a joint convention of the two Houses at 2 o'clock to-morrow afternoon to vote for United States Senator.

HOUSE OF REPRESENTATIVES.

MONDAY, JAN. 19, 1885—10 a. m.

STATE TREASURER'S BOND.

Mr. BROOKS' bill [H. R. 3] to fix the bond of the Treasurer of State at \$1,000,000, being read the second time.

Mr. KELLISON moved to amend by striking out the words "one million" and inserting the words "five hundred thousand" in lieu.

On motion by Mr. CARTWRIGHT, the amendment was laid on the table.

Mr. PATTEN moved to amend by striking out the words "one million" and inserting the words "two millions."

On motion by Mr. KELLISON the bill was ordered engrossed.

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from Wayne has confronted me with the record I made here two years ago. I feel it is just to explain that the Senator from Wayne suppressed part of this record. The language of the resolution introduced by the Senator from Henry two years ago says in so many words that the outgoing Treasurer of State had in his hands \$700,000, which he had deposited in banks, and instead of turning over the actual cash he turned over individual checks and drafts. So the precedent, if there has been one, as all other bad, vice precedents, is set by representatives of your own party. I take it from the reading of this report that the voice of the Senator in favor of reform was not heard in that direction when this very important resolution was under consideration. Now, I want to quote from this report. I want to call my distinguished friend's recollection to mind. No one can be so forgetful as it is our duty to look at it in that light, so that the people will be protected. I don't see and understand how any member can serve his constituents in this matter by voting for a bond of one million when the Treasurer has a larger amount coming into and passing through his hands. I say this bill ought not to be engrossed. I don't believe that it ought to be passed under the circumstances. I think we ought to give this matter a fair investigation and then we will be qualified to pass upon the merits of this bill.

Mr. GORDON suggested that there has been an expression of the House on the desire to fix the amount of the bond, and thought further amendments unnecessary.

Mr. McMULLEN: The gentleman seems to think that members are rather anxious to hurry this bill along. For one I am anxious to hurry it along for the reason that within the next twenty days the Treasurer will file his bond. Under the old law he will only be required to file a bond of \$150,000. I want to get the bill through before he files his bond.

Mr. KELLISON: I am not here for the purpose of obstructing the bill. The gentleman from Putnam says that the sentiments of this House have been thoroughly tested. I hope that this bill will not be engrossed in its present form. There are other considerations to be looked at in the fixing of the amount of the bond. There should be the consideration of the honor and integrity of the person whom we elect to this office. It seems to me that it will be impossible almost to secure a man to make a proper bond for the State. As the bill now stands, it looks to me as if he would be obliged to put himself in the hands of his bondsmen, and the probability would be that the office would be run by persons outside. We have had a bond of \$150,000 for many years, and it has always been ample security.

Mr. GORDON moved to amend by striking out the words "one million" and inserting the words "one million two hundred and fifty thousand" in lieu.

On motion by Mr. GORDON the bill was amended by adding an emergency clause.

On motion by Mr. OSBORN a proposed amendment to strike out the words "one million" and insert in lieu thereof the words "two million five hundred thousand" was laid on the table.

On motion by Mr. CARTWRIGHT the bill was ordered engrossed.

AFTERNOON SESSION.

Mr. Smith's, of Perry, bill [H. R. 67] supplemental to the drainage act was read the second time, with a committee recommendation for its passage.

Mr. SMITH moved that the consideration of this bill be postponed until Wednesday at 2 o'clock. I have stated that this bill was the same bill that passed the House two years ago and was vetoed by the Governor. It is nothing more than that. We should have this bill as vetoed from the Secretary of State in my mind, and we have an available bill, but in fact it is a bill that may remove all the mill dams in the State of Indiana. We have fifteen splendid water-mills in Tippecanoe County, and I would dislike exceedingly to be a party to a bill that would remove them.

Mr. MOORE, of Wells, believed that the present drainage law covered everything except the part on private donation. This bill might be just as well engrossed at this time.

Mr. GORDON did not think anything ought to be made a special order unless it be a matter of emergency. I can't see that this, as a matter of ordinary legislation, should be made a special order. It disregards all legislation both before and after.

Mr. SAYRE: It embodies the same feature of a bill of two years ago. That bill was vetoed and should be returned to the House. He moved that the bill be recommitted to the Committee on Dykes and Drains without instruction.

Mr. ENGLISH's bill [H. R. 72] to amend Section 7 of the Supreme Court act being read the second time, Mr. Sayre moved to amend by inserting in the Cooper act the following: "And the clerks shall not be entitled to receive any fee whatever from any person whatever for making any entries by this act."

Mr. SAYRE said: This bill ought to be considered in the light of Indiana. It will afford information that has long been needed. It is well known that whenever any writing is to be done by a public officer, even if only a name, it involves a cost of ten, fifteen or twenty cents. I think that the fees and emoluments already provided are quite sufficient.

The amendment was adopted and the bill ordered engrossed.

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Prepared by Dr. J. C. Stacoe, Chemist, Baltimore, Md.

SOLE AGENTS: THE GREAT GERMAN REMEDY CO., BALTIMORE, MD.

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On motion by Mr. McMULLEN it was laid on the table.

Mr. BUTZ moved to strike out the word "12" and insert the word "23" before the word "surties."

The motion was agreed to.

Mr. ROBINSON moved to amend by making the bond one million five hundred thousand.

On motion it was laid on the table.

Mr. GORDON moved that the bill be ordered engrossed for the third reading.

Mr. PATTEN: If the bond is to cover the amount of money in the treasury, it should be large enough to cover the amount of the public moneys at any time in his hands. I think we should have a committee to investigate this matter; and if it is necessary to have a bond to cover one dollar that we should have a bond to cover the whole amount. No one can be so forgetful as it is our duty to look at it in that light, so that the people will be protected. I don't see and understand how any member can serve his constituents in this matter by voting for a bond of one million when the Treasurer has a larger amount coming into and passing through his hands. I say this bill ought not to be engrossed. I don't believe that it ought to be passed under the circumstances. I think we ought to give this matter a fair investigation and then we will be qualified to pass upon the merits of this bill.

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